

**Amendments to the Drawings:**

The attached sheets of drawings include three sheets respectively including changes to Figs. 1, 2, 3 and 5. These three sheets replace the original three sheets respectively including Figs. 1, 2, 3, 4 and 5.

The attached sheets of drawings also include five new drawing sheets respectively including new Figs. 7-11.

Attachment: Three (3) Replacement Sheets and five (5) New Drawing Sheets.

**REMARKS**

Claims 1-49 are pending in the present application. The drawings were objected to due to informalities. The drawings were objected to under 37 C.F.R. §1.83(a) as not showing every feature specified in the claims. The specification was objected to due to informalities. Claims 3-49 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1, 2, 26-32, 36 and 46-49 were rejected under 35 U.S.C. §102(b) as being anticipated by Stanley, U.S. Patent No. 6,220,627. Claims 3-8, 10, 17-25, 33, 34 and 43-45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stanley in view of Bergholz et al., EP 963887. Claims 11-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stanley in view of Bergholz et al., as applied to claim 3, and further in view of Spies, U.S. Patent No. 5,585,625. Claims 37-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stanley in view of Spies. Claims 9 and 35 were indicated as being allowable if rewritten in independent form and to overcome the rejection(s) under 35 U.S.C. §112, second paragraph.

The drawings and the specification have been amended. New drawing Figures 7-11 have been added. Claims 1, 3, 5-6, 8-10, 16, 22, 26, 29, 31-36, 39, 42 and 44 have been amended. Claims 4, 28 and 30 have been canceled. New claims 50-52 have been added. Reconsideration of the application is respectfully requested.

**Objection to the drawings**

The drawings were objected to due to informalities. The drawings were objected to under 37 C.F.R. §1.83(a) as not showing every feature specified in the claims. Amended drawings including changes to Figs. 1, 2, 3 and 5 are submitted herewith for the Examiner's consideration. Fig. 2 has been amended to properly position the lead line for reference number 1a, and the dark/solid shading has been removed from Figs. 2, 3 and 5. Fig. 1 has been amended to show an optical element with reference number 11 (claims 16 and 42). Fig. 2 has been amended to show the air bag deployment apparatus with reference number 13 (claims 24 and 48). The specification has been amended accordingly. It is respectfully submitted that no new matter has been added.

New Figs. 7-11 are submitted herewith for the Examiner's consideration. New Figs.

7-11 show various features specified in the claims. The specification has been amended accordingly to include descriptions of the new figures. It is respectfully submitted that no new matter has been added.

Applicants thank the Examiner for pointing out these problems.

Withdrawal of the objections to the drawings due to informalities and under 37 C.F.R. §1.83(a) is respectfully requested.

Objection to the specification

The specification was objected to due to informalities. The specification has now been amended in accordance with the Examiner's suggestions to correct the various informalities pointed out by the Examiner. It is respectfully submitted that no new matter has been added. Applicants thank the Examiner for pointing out these problems.

Rejection under 35 U.S.C. §112, second paragraph

Claims 3-49 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The claims have now been amended to correct the various problems pointed by the Examiner. It is respectfully submitted that no new matter has been added. Applicants thank the Examiner for pointing out these problems.

Withdrawal of the rejection of claims 3-49 under 35 U.S.C. §112, second paragraph, is respectfully requested.

Rejections under 35 U.S.C. §102(b), §103(a)

Claims 1, 2, 26-32, 36 and 46-49 were rejected under 35 U.S.C. §102(b) as being anticipated by Stanley, U.S. Patent No. 6,220,627. Claims 3-8, 10, 17-25, 33, 34 and 43-45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stanley in view of Bergholz et al, EP 963887. Claims 11-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stanley in view of Bergholz et al., as applied to claim 3, and further in view of Spies, U.S. Patent No. 5,585,625. Claims 37-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stanley in view of Spies.

Stanley describes an occupant detection system having a transmitter 22 and a receiver 24. See col. 11, lines 15-17, and Fig. 1.

Bergholz et al. describes a method for detecting the occupation of a seat in a vehicle, with a number of optical fibres 6 assigned to a transmitter 4, with a corresponding optical fibre 7 being arranged in the beam path of each optical fibre 6. See claim 1 and Fig. 1.

Spies describes an arrangement for detecting the occupancy of a seat in a vehicle, where a field 101 of transmitters, such as light-emitting diodes 101a-101e, illuminate a seat to form an image on a photodetector field 102. See col. 1, lines 56-62, and Fig. 1.

Independent claims 1, 3 and 26 of the present application have been amended to recite “a plurality of light transmitters” for emitting light signals “wherein the signals emitted by the light transmitters are light transmitter-individualized.” Support for the amendment may be found, for example, in original claim 4. It is respectfully submitted that none of Stanley, Bergholz et al. or Spies teaches or suggests the light signals emitted by the light transmitters are light transmitter-individualized, as now recited in claims 1, 3 and 26. In contrast, Stanley describes only one transmitter, as noted by the Examiner. See Office Action at page 6, lines 6-7. Bergholz et al. shows a common transmitter 4 connected to the optical fibres 6. Therefore, in contrast to the recited features of claims 1, 3 and 26, the signals of Bergholz et al. are not individualized to the particular optical fibre (if these are considered to be “transmitters”) since the signals come from the same source, transmitter 4. And Spies, in contrast to the recitations of claims 1, 3 and 26, does not disclose that signals emitted by the light-emitting diodes 101a-101e are in any way individualized. As indicated in claim 5 of the present application, the light signals emitted by the light transmitters may be light transmitter-individualized by, for example, a time of light transmission or a light signal characteristic. As described in the present specification, the recited “light transmitter-individualized” light signal feature enables the analyzing unit to analyze, particularly simply, which light path between the light transmitters and light receiver is blocked, and thus which position the passenger has assumed. See specification at paragraph [0035]. None of the cited references teaches or suggests the recited “light transmitter-individualized” light signal feature of independent claims 1, 3 and 26. Because all three of the cited references fail to teach or suggest this feature, none can anticipate any of claims 1, 3 or 26, or their dependent claims.

Nor can any combination of the three references render any of claims 1, 3 and 26, or their respective dependent claims, obvious.

Withdrawal of the rejection of independent claims 1 and 26, and respective dependent claims 2, 25-32, 36 and 46-49, under 35 U.S.C. §102(b) based on Stanley, as well as the respective rejections of independent claim 3 and dependent claims 4-8, 10, 17-25, 33, 34 and 43-45 under 35 U.S.C. §103(a) based on respective combinations of Stanley with one or both of Bergholz et al. and Spies, is respectfully requested.

Allowable subject matter

Claims 9 and 35 were indicated as being allowable if rewritten in independent form and to overcome the rejection(s) under 35 U.S.C. §112, second paragraph. Applicants gratefully acknowledge this indication of allowability, and have accordingly so amended claims 9 and 35.

New claims

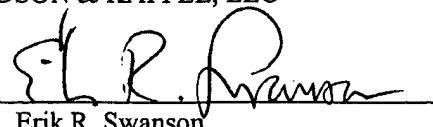
New claims 50-52 have been added reciting that the conclusion regarding the posture of the passenger is based on the respective height of the light transmitter (claims 50, 51) or receiver (claim 52). Support for the new claims may be found, for example, at paragraphs [0013] and [0023] of the specification. It is respectfully submitted that no new matter has been added, and that new claims 50-52 are patentable over the cited references for at least the same reasons as independent claims 1, 3 and 26 are.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

Erik R. Swanson

Reg. No. 40,833

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14th Floor  
New York, New York 10018  
(212) 736-1940